

REMARKS

Applicants reply to the Office Action mailed on January 23, 2009 within three months. Claims 1-4, 6-7, 9 and 11-28 are pending in the application. Applicants amend claim 1 and cancel claims 2-4, 6-7, 9, and 11-28 without prejudice to filing claims having similar subject matter in this or other applications. Applicants add new claims 29-51. Support for the amendments and new claims may be found throughout the originally-filed specification, claims, and figures, for example, in ¶¶ [0156]-[0159]. Applicants submit that no new matter has been introduced with these amendments and new claims. Applicants respectfully request reconsideration of this application.

With these amendments and new claims, Applicants incorporate certain subject matter into the independent claims from various dependent claims. For example, and without limitation, Applicants incorporate some subject matter from dependent claims 16, 19, 22, and 24 into the various independent claims in order to further clarify the patentable aspects of the claims and to expedite prosecution.

Applicants thank the Examiner for the interview conducted on April 7, 2009. In the interview, Applicants discussed proposed claim amendments, and the Examiner indicated that if Applicants incorporated the elements from dependent claim 34 into independent claim 1 (both as presented with this Reply), then claim 1 might be allowable. Although Applicants respectfully submit that independent claim 1 is allowable as amended above without the additional elements, Applicants present new independent claim 51 that includes similar elements from independent claim 1 and dependent claim 34 (and the other claim on which it depends).

In the interview, the Examiner indicated that the proposed claims might be subject to a restriction requirement, and that independent claims 1, 48 and 51 would be able to be included in the same application, but that claims 49 and 50 would be subject to restriction. Applicants respectfully disagree. Applicants' independent claims are directed to certain components—an “authorized sample receiver,” an “issuer system,” and an “RF payment device”—that are utilized to facilitate a radio frequency transaction. The independent claims presented with this Reply represent different perspectives of a similar transaction process. Although the independent claims represent separate components, each includes similar elements such that examination of all of the claims would not be an additional burden on the Examiner (e.g., “wherein the first biometric sample data and the second biometric sample data are configured to be compared to

the transaction biometric sample data,” and “wherein the transaction value is configured to be assessed against the first account value in response to the transaction biometric sample data being associated with the first biometric sample data,” as recited in claim 50, and as similarly recited in claims 1, 48-49, and 51).

The Examiner rejects claims 1, 4, 6-7, 9 and 11-28 under 35 U.S.C. § 102(e) as being anticipated by Stockhammer, et al., U.S. Patent No. 6,799,726 (“Stockhammer”). Applicants respectfully disagree with these rejections, but are presenting these amendments and new claims in order to clarify the patentable aspects of the claims and to expedite prosecution. Furthermore, Applicants do not concede that Stockhammer is in fact prior art with respect to this application, and Applicants reserve the right to antedate Stockhammer.

Stockhammer briefly discloses “[a] data carrier intended to be worn by an individual for regulating the authorization of the individual into an access controlled location. The data carrier includes a sensor for monitoring a biometric feature of the individual” (Abstract). Stockhammer further discloses that the device “is employable for example in . . . other tourist facilities, such as . . . values for cashless payment transaction in restaurants, sport stores, etc.” (2: 61-65). Stockhammer, however, says nothing about how these “cashless payment transactions” are conducted. Therefore, Stockhammer does not disclose or contemplate, “receiving a transaction request associated with the RF device, wherein the transaction request comprises a transaction value and transaction biometric sample data; comparing the transaction biometric sample data to the *first biometric sample data and the second biometric sample data*; and assessing the transaction value against the first account value in response to the transaction biometric sample data being associated with the first biometric sample data” as recited in claim 1 (emphasis added) and as similarly recited in claims 48-51.

Furthermore, Stockhammer mentions that the “biometric skin identification features detected by the sensor may be of different kinds” (2: 1-2). However, nowhere does Stockhammer disclose or contemplate, “associating, in the database, the *first biometric sample data* with a *first account* having a first account value that is accessible via the RF device; [and] associating, in the database, the *second biometric sample data* with a *second account* having a second account value that is accessible via the RF device” as recited in claim 1 (emphasis added), and as similarly recited in claims 48-51. For at least these reasons, Applicants respectfully submit that claims 1 and 48-51 are allowable over Stockhammer.

Dependent claims 29-47 depend from independent claim 1, so Applicants assert that dependent claims 29-47 are differentiated from the cited reference for at least for the reasons set forth above, in addition to their own unique features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request a Notice of Allowance. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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